NPT/CONF.2005/WP.57

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

Original: English

New York, 2-27 May 2005

Strengthening implementation of article IV of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the United States

The benefits of peaceful nuclear cooperation comprise an important element of the NPT. Through substantial funding and technical cooperation, the United States fully supports peaceful nuclear development in many states, bilaterally and through the IAEA. But the language of Article IV is explicit and unambiguous: States asserting their right to receive the benefits of peaceful nuclear development must be in compliance with their non-proliferation obligations under Articles I and II of the NPT. No State in violation of Articles I or II should receive the benefits of Article IV. All nuclear assistance to such a State, bilaterally or through the IAEA, should cease. The United States hopes the deliberations at this Review Conference will endorse this proposition.

Given the crisis of non-compliance with the Treaty's non-proliferation obligations now confronting the NPT and the spurious claims by certain States that other States are wrongfully seeking to halt their legitimate nuclear programmes or access to certain nuclear-related technologies, the United States believes that this Conference must address in depth all aspects of Article IV.

The United States suggests the following language on Article IV for use in the Main Committee III report and in any Review Conference Final Document.

Article IV — Peaceful Nuclear Programmes

1. The Conference recognizes the valuable contribution the NPT has made in promoting the peaceful uses of nuclear energy in a manner that reduces proliferation risks.

2. The Conference declares that all NPT supplier States should seek to facilitate the fullest possible cooperation in the peaceful uses of nuclear energy, with due consideration for the needs of developing countries and in ways consistent with the Treaty's non-proliferation objectives.

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3. The Conference reaffirms that peaceful nuclear programmes pursued by NPT parties must conform to their relevant obligations under Articles I, II and III of the Treaty.

4. The Conference recognizes that rigorous compliance with the NPT's non-proliferation obligations is essential to sustain full international confidence in peaceful nuclear applications in energy, industry, health, agriculture and other fields.

5. The Conference deplores the fact that certain NPT parties have sought to pursue nuclear weapons programmes behind the facade of allegedly peaceful nuclear programmes. It calls for rigorous measures to address this security risk to the Treaty and to maintain international confidence in peaceful nuclear cooperation among NPT parties. Article IV must be implemented in a manner that is fully consistent with the non-proliferation objectives of the NPT.

6. The Conference stresses that the right to participate in peaceful nuclear cooperation and the benefits thereof should be reserved solely for parties who are in full compliance with their relevant obligations under Articles I, II and III.

7. The Conference states that Article IV does not provide States Parties that have violated the non-proliferation provisions of the Treaty any protection from the consequences of these violations, including the imposition of measures against their nuclear programmes.

8. The Conference affirms that peaceful nuclear cooperation under Article IV is inextricably tied to a State's behaviour in fulfilling its non-proliferation obligations under the Treaty. It declares that sound implementation and enforcement of the NPT should entail reducing violators' access to nuclear technology.

9. The Conference believes that non-compliance with Articles I, II or III of the NPT should lead, at a minimum, to a halt in nuclear cooperation with that State whether bilaterally or through the IAEA. It urges all NPT supplier States, through appropriate means, to halt the use of equipment and nuclear material previously supplied and to require the elimination of these items or their return to the original supplier. The IAEA should use the relevant provisions of its Statute to take similar action.

10. The Conference believes that NPT parties in pursuit of legitimate peaceful nuclear programmes should ensure maximum possible transparency, particularly with other countries in the region, to help build confidence. It notes that secrecy breeds mistrust and undermines confidence in NPT commitments and at some point would lead to activities that would violate the Treaty.

11. The Conference affirms that Article IV does not require the transfer of any particular nuclear material, equipment or technology. It urges each NPT supplier State not to approve a transfer unless it is fully satisfied that the transfer would not contribute to proliferation.

12. The Conference emphasizes the importance of implementing Article IV to facilitate exercise of the right of NPT parties in compliance with the Treaty's non-proliferation obligations to pursue the peaceful uses of nuclear energy while ensuring against abuse of that right by parties in violation of those obligations.

13. The Conference realizes that export controls should be applied in order to protect against those NPT parties that would seek nuclear weapons capabilities

under the cover of a peaceful nuclear programme and that such measures are fully consistent with Article IV.

14. The Conference notes that the NPT neither guarantees nor prohibits the acquisition of a particular nuclear fuel cycle facility, but any such facility should conform to and be fully consistent with the scale of that country's nuclear programme as measured by international standards and economic factors.

15. The Conference understands that an assessment of whether the pursuit of an allegedly peaceful nuclear programme conforms with the NPT's non-proliferation undertakings would depend on a number of factors including the degree of transparency, rigorous compliance with safeguards undertakings, and the programme's coherence for peaceful purposes.

16. The Conference recognizes that ample fuel cycle services will exist for the foreseeable future and that there is no near-term need for any NPT party currently without full-scale, functioning enrichment or reprocessing facilities to embark upon or complete the construction of such facilities.

17. The Conference supports an expansion of international partnerships to include new donor and recipient States in cooperative efforts such as reducing stockpiles globally of highly enriched uranium used in civil research reactors and converting such reactors to the use of low enriched uranium where possible.

18. The Conference encourages all States to reduce the risk that terrorism poses to peaceful nuclear programmes by ensuring the application of strong security measures to nuclear material, radioactive sources, and associated facilities.

19. The Conference endorses efforts to combat nuclear terrorism such as implementing the IAEA's Nuclear Security Action Plan, supporting the revised Code of Conduct on the Safety and Security of Radioactive Sources, and accelerating efforts to improve regulatory control of radioactive sources in more than 90 member States of the IAEA.

20. The Conference recognizes the importance of the Convention on the Physical Protection of Nuclear Material in setting standards for the protection of nuclear material used for peaceful purposes, and supports efforts to strengthen the Convention and to increase the number of parties.